

Courts and Tribunals (Judiciary and Functions of Staff) Bill [HL]

MARSHALLED
LIST OF AMENDMENTS
TO BE MOVED
IN COMMITTEE OF THE WHOLE HOUSE

[Amendments marked ★ are new or have been altered]

Amendment
No.

After Clause 1

BARONESS CHAKRABARTI
LORD BEECHAM

1★

Insert the following new Clause—

“Report on availability of judicial training to support deployment

- (1) Within twelve months of the coming into force of section 1, the Lord Chancellor must publish a report on the availability of the judicial training necessary to enable judges to be deployed more flexibly.
- (2) The report under subsection (1) must be laid before each House of Parliament.”

LORD MARKS OF HENLEY-ON-THAMES
LORD BEITH

2★

Insert the following new Clause—

“Report on the impact of the provisions under section 1 on the diversity of the judiciary

- (1) The Secretary of State must carry out an assessment of the impact of the provisions under section 1 of this Act on the diversity of the judiciary.
- (2) This assessment must make reference to whether increasing flexibility in the deployment of judges has had an impact on the diversity of the judiciary.
- (3) The Secretary of State must lay a report of the assessment before both Houses of Parliament within one year of this Act passing.”

Clause 3

BARONESS CHAKRABARTI
LORD BEECHAM

3 Page 3, line 24, leave out subsection (3) and insert—

“() A statutory instrument containing regulations under this section may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, each House of Parliament.”

After Clause 3

BARONESS CHAKRABARTI
LORD BEECHAM

4 Insert the following new Clause—

“Review of the delegation of legal advice and judicial functions to authorised staff

- (1) Within the period of three years from the coming into force of this Act, the Lord Chancellor must arrange for a review to be undertaken on the impact of the implementation of the provisions contained within section 3 and the Schedule to this Act.
- (2) A report setting out the findings of the review must be laid before both Houses of Parliament.”

The Schedule

BARONESS CHAKRABARTI
LORD BEECHAM

5 Page 6, line 36, at end insert—

“() is a qualified solicitor, barrister or chartered legal executive with more than three years’ experience post-qualification, and”

6 Page 8, line 31, at end insert—

“() is a qualified solicitor, barrister or chartered legal executive with more than three years’ experience post-qualification, and”

7 Page 10, line 28, at end insert “and if they are a qualified solicitor, barrister or chartered legal executive with more than three years’ experience post-qualification.”

8 Page 10, line 33, at end insert—

- “() No authorisation under subsection (2) shall include the power to—
- (a) make an order of the court which is opposed by one or more party,
 - (b) make any order of the court in a civil claim with a value of more than £25,000,
 - (c) make any order of the court with a penal notice or power of arrest,

The Schedule - *continued*

- (d) make any order of the court in a matter in which one or more parties lack capacity as defined in section 2(1) of the Mental Capacity Act 2005,
- (e) make any order of the court in a matter in which one or more witnesses are a vulnerable witness as defined in section 16(1) of the Youth Justice and Criminal Evidence Act 1999,
- (f) make any order of the court under section 37 of the Senior Courts Act 1981 for an injunction, including any freezing order,
- (g) make any order of the court, referred to as a “search order”, under section 7 of the Civil Procedure Act 1997,
- (h) make any order of the court as to costs,
- (i) make any order of the court concerning expert evidence,
- (j) take a plea from a defendant in criminal proceedings, or
- (k) make any other determination which is dispositive of the cause.”

BARONESS CHAKRABARTI

LORD BEECHAM

LORD MARKS OF HENLEY-ON-THAMES

9★ Page 11, line 8, at end insert—

“67BA Right to judicial reconsideration of decision made by an authorised person

A party to any decision made by an authorised person in the execution of the person’s duty as an authorised person exercising a relevant judicial function, by virtue of section 67B(1), may apply in writing, within 14 days of the service of the order, to have the decision reconsidered by a judge of the relevant court within 14 days from the date of application.”

BARONESS CHAKRABARTI

LORD BEECHAM

10 Page 18, line 9, at end insert—

“() No authorisation under this paragraph shall include the power to make—

- (a) any order of the tribunal which is opposed by one or more party,
- (b) any order of the tribunal in a civil claim with a value of more than £25,000,
- (c) any order of the tribunal with a penal notice or power of arrest,
- (d) any order of the tribunal in a matter in which one or more parties lack capacity as defined in section 2(1) of the Mental Capacity Act 2005,
- (e) any order of the tribunal in a matter in which one or more witnesses are vulnerable witnesses as defined in section 16(1) of the Youth Justice and Criminal Evidence Act 1999,

The Schedule - *continued*

- (f) any order of the tribunal for an injunction,
- (g) any order of the tribunal as to costs,
- (h) any order of the tribunal concerning expert evidence, or
- (i) any other determination which is dispositive of the cause.”

BARONESS CHAKRABARTI

LORD BEECHAM

LORD MARKS OF HENLEY-ON-THAMES

11★

Page 18, line 26, at end insert –

“() A party to any decision made by an authorised person in the execution of the person’s duty as an authorised person exercising functions of a tribunal, by virtue of paragraph 3 of Schedule 5, may apply in writing, within 14 days of the service of the order, to have the decision reconsidered by a judge of the relevant tribunal within 14 days from the date of the application.”

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6 July 2018
